

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 4163 (Application 13068)

California Polytechnic State University

ORDER REINSTATING LICENSE

SOURCE: Brizziolari Creek

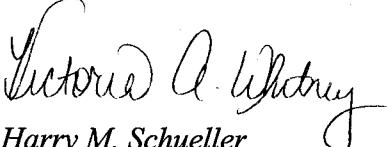
COUNTY: San Luis Obispo

WHEREAS:

1. On June 5, 2002 a request was received on behalf of, the licensee, California Polytechnic State University (Cal Poly), that the license be revoked.
2. On August 7, 2002, State Water Resources Control Board (SWRCB) staff confirmed with the party signing the request that the water right had been abandoned and should be revoked. Thereafter, on September 20, 2002, the SWRCB issued an order revoking water right License 4163.
3. A telephone call on October 2, 2002, followed by a formal request to reinstate License 4163 dated November 7, 2002, was received from Cal Poly. Cal Poly stated that the signatory to the Reports of Licensee submitted triennially to the SWRCB was authorized to complete and sign the report as it related to the actual use of water. However, the authorization did not include the authority to request revocation of said water right. Only those parties responsible for the signing contracts within the hierarchy of Cal Poly are extended that authority to request such revocation.
4. The SWRCB has reviewed the evidence and concludes that water has been applied to beneficial use under this license, and although some changes appear to be required to conform the license to the present operation, License 4163 should not have been revoked.

THEREFORE, IT IS ORDERED:

License 4163, having a priority date of May 2, 1949, is reinstated.


for *Harry M. Schueller*
Chief Deputy Director

Dated: **FEB 01 2003**



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13068

PERMIT 8089

LICENSE 4163

THIS IS TO CERTIFY, That

California State Polytechnic College
Box 321
San Luis Obispo, California

has made proof as of May 20, 1954

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Brizziolari Creek in San Luis Obispo County

tributary to Steiner Creek thence San Luis Obispo Creek

for the purpose of irrigation use

under Permit 8089

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from May 2, 1949; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed six hundredths (0.06) cubic foot per second by direct diversion to be diverted from about April 1 to about October 1 of each year and twenty-three (23) acre-feet per annum by storage to be collected from about October 1 of each year to about April 1 of the succeeding year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located at the approximate center of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 14, T 30 S, R 12 E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 14.

A description of the lands or the place where such water is put to beneficial use is as follows:

7 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T 30 S, R 12 E, MDB&M;
8 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T 30 S, R 12 E, MDB&M.
15 acres total

The maximum rate of diversion to offstream storage is six tenths (0.6) cubic foot per second.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

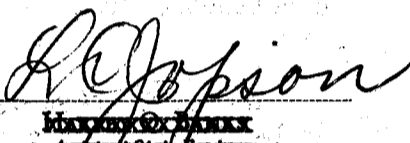
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 30th
day of December, 19 55

[SEAL]

HARVEY O. BANKS
ACTING STATE ENGINEER
~~Acting Engineer, State Engineer~~

By 
~~Harvey O. Banks~~
~~Acting State Engineer~~
L. C. Jopson
Principal Hydraulic Engineer

LICENSE 1163

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO California State Polytechnic College

DATED DEC 30 1955

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